

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

for the

Middle District of Pennsylvania

Civil Division

Case No.

3:18cv1595

(to be filled in by the Clerk's Office)

Mark Wright Pro se

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

R. Perdue, Warden et.al, see attached

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

**FILED
SCRANTON**

AUG 10 2018

PER

DEPUTY CLERK

**COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Prisoner Complaint)**

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Additional Defendants

- (2) R. Miller, Assistant Warden
- (3) Gabrielson, Assistant Warden
- (4) Mr. R. Scandel, unit manager
- (5) Mr. S. Mroczka, Case Manager
- (6) Ms. Cozza, Records Department
- (7) Unknown Grand Prairie Designation
Sentence Computation Staff
- (8) Northeast Regional Director
Mr. M.D. Carvajal
- (9) Ms.R.Eubank, Case Manager
- (10) Mr. Chad A. Fultz
Residential Reentry Manager

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Mr. Mark Wright</u>		
All other names by which you have been known:			
ID Number	<u># 46950 - 066</u>		
Current Institution	<u>P.O. Box 759, F.C.I Schuylkill</u>		
Address	<u>Federal Correctional Institution</u>		
	<u>Minersville</u>	<u>PA</u>	<u>17954</u>
	<i>City</i>	<i>State</i>	<i>Zip Code</i>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	<u>Mr. R. Perdue</u>		
Job or Title (<i>if known</i>)	<u>Warden</u>		
Shield Number	<u>Unknown</u>		
Employer	<u>Federal Bureau of Prisons</u>		
Address	<u>P.O. Box 700, F.C.I Schuylkill</u>		
	<u>Minersville</u>	<u>PA</u>	<u>17954</u>
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
<input checked="" type="checkbox"/> Individual capacity <input type="checkbox"/> Official capacity			

Defendant No. 2

Name	<u>Mr. R. Miller</u>		
Job or Title (<i>if known</i>)	<u>Assistant Warden</u>		
Shield Number	<u>Unknown</u>		
Employer	<u>Federal Bureau of Prisons</u>		
Address	<u>P.O. Box 700, F.C.I Schuylkill</u>		
	<u>Minersville</u>	<u>PA</u>	<u>17954</u>
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
<input checked="" type="checkbox"/> Individual capacity <input type="checkbox"/> Official capacity			

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

Defendant No. 3

Name Mr. Gabrielson
 Job or Title (if known) Associate Warden
 Shield Number Unknown
 Employer Federal Bureau of Prisons
 Address P.O. Box 700, F.C.I. Schuylkill
Minersville PA 17954
City State Zip Code
☒ Individual capacity ☐ Official capacity

Defendant No. 4

Name Mr. R. Scandel
 Job or Title (if known) Unit Manager
 Shield Number Unknown
 Employer Federal Bureau of Prisons
 Address P.O. Box 700, F.C.I. Schuylkill
Minersville PA 17954
City State Zip Code
☒ Individual capacity ☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☒ Federal officials (a *Bivens* claim)
☐ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

5 th, 8 th, and 14 th Amendment OF U.S. CONSTITUTION

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

Attached Information OF Defendants

Defendant No. 5

Mr. S. Mroczka,
Case Manager
Shield Number: Unknown
P.O. Box 700
F.C.I Schuylkill
Minersville, PA 17954
Individual Capacity

Defendant No.10

Mr. Chad A. Fultz
Residential Reentry Manager
Shield Number: Unknown
200 Chestnut Street 7th Fl.
Philadelphia, PA. 19106
Individual Capacity

Defendant No. 6

Ms. Cozza
Records Department
Shield Number: Unknown
P.O. Box 700
F.C.I Schuylkill
Minersville, PA 17954
Individual Capacity

Defendant No. 7

Unknown Grand Prairie Designation
Sentence Computation Staff
Shield Number: Unknown
346 Marine Force Dr.
Grand Prairie, TX 75051
Individual Capacity

Defendant No. 8

Mr. M.D. Carvajal
Northeast Regional Director
Shield Number: Unknown
2nd and Chestnut St, 7th Fl.
Philadelphia, PA. 19106
Individual Capacity

Defendant No. 9

Ms.R.Eubank
Case Manager
Shield Number: Unknown
P.O. Box 700
F.C.I Schuylkill
Minersville, PA 17954
Individual Capacity

**Excessive Confinement, Deliberate Indifference, and
Cruel & Unusual Punishment**

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

See: Attached Civil Rights Complaint/Statement OF Facts

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☒ Convicted and sentenced federal prisoner
- ☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

See: Attached Complaint/Statement OF Facts

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

- C. What date and approximate time did the events giving rise to your claim(s) occur?

January 29, 2018

- D. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

See: Attached Complaint/Statement OF Facts

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Legal, Personal Injury

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

See: Attached/Incorporated Complaint, Prayer For Relief

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Federal Correctional Institutional Schuylkill, F.C.I

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

F.C.I Schuylkill, Northeast Regional, and Central Office
Of Federal Bureau OF Prisons

2. What did you claim in your grievance?
That my Home Detention Eligibility date was incorrect and that my Projected Release Date was incorrectly offset by a complete Twelve (12) months.

3. What was the result, if any? Staff did not address merits at informal stage, at BP-9 remedy level Warden Perdue claimed dates were correct according to Grand Prairie, and Regional Director Affirmed Warden Perdue response. Moreover, Central Office agreed with the Warden, and Region's decision.

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

I appealed the adverse decisions to the highest agency.

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

☐ Yes☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

UNITED STATES DISTRICT COURT FOR
MIDDLE DISTRICT OF PENNSYLVANIA

Mr. Mark Wright,
Plaintiff

V.

Mr. R. Perdue, Warden et. al.,

) Civil Action : _____
)
) Jury Trial Demand
)
)
)

Plaintiff's Civil Rights Action
Pursuant to 42 U.S.C 1983,
Bivens v. Six Unknown Names Agents
Of Federal Bureau Of Narcotics
403 U.S. 388 (1971)

COMPLAINT WITH JURY DEMAND

Introduction

This is a Civil Rights Action filed by Mr. Mark Wright, a Federal Prisoner, for damages and Injunctive Relief under 42 U.S.C 1983, Alleging Excessive Confinement, Deliberate Indifference, and Denial Of Due Process Of Law In Violation Of the 5th, 8th, and 14th Amendment Of The U.S. Constitution.

Jurisdiction

1.) The court has Jurisdiction over the Plaintiff's claims of violation of Federal Constitutional Rights under 42 U.S.C 1331 (1) and 1343.

PARTIES

2.) The Plaintiff, Mr. Mark Wright is incarcerated at F.C.I Schuylkill, a Federal Correctional Institution.

ADDENDUM TO STATEMENT OF FACTS

58.) On or about July 11, 2018 I issue a eighty five (85%) percent of my time and how Ms.R. Eubanks, Mr. R. Scandle and Mr. R. Miller continously, deliberately and maliciously circumvent the Grievance process by denying me Due Process.

59.) On or about July 24, 2018 I received a response from Central Office by Ian Connors Administrator National Inmate Appeals. However, my Grievance #932738-F1 was denied, which does not make any mention of Program Statement 5100.08 based on the calculation method and percentage of sentence served. Moreover, calculating Mr. Wright sentence start date from 12-9-1997 until this present date and time. Mr. Wright has completed twenty years and eight months (20 years + 8 months) which total approximately 85% of his sentence of 292 months. See; Program Statement 5100.08.

3.) Defendants, **Mr.R.Perdue** was the Warden employed at F.C.I Schuylkill. Warden Perdue is sued in Individual Capacity.

4.) Defendant, **Mr.R.Miller** is the Assistant Warden employed at F.C.I Schuylkill. He is sued in Individual Capacity.

5.) Defendant, **Mr.K.Gabrielson** is Associate Warden employed at F.C.I Schuylkill. He is sued in Individual Capacity.

6.) Defendant, **Mr.R.Scandle** is Housing Unit Manager employed at F.C.I Schuylkill. He is sued in Individual Capacity.

7.) Defendant, **Mr.S.Mroczka** was Case Manager employed at F.C.I Schuylkill. He is sued in Individual Capacity.

8.) Defendant, **Ms.Cozza** was Record's Office employed at F.C.I Schuylkill. She is sued in Individual Capacity.

9.) Defendant, **Unknown Grand Prairie** Designation Sentencing Computation Staff. He/She is sued in Individual Capacity.

10.) Defendant, **Mr.M.D.SCarvajal** is Regionl Director at Northeast Region. He is sued in Individual Capacity.

11.) Defendant, **Ms.R. Eubank** is Case Manager employed at F.C.I Schuylkill. She is sued in Individual Capacity.

12.) Defendant, **Mr. Chad A. Fultz** is Residential Reentry Manager. He is sued in Individual Capacity.

Statement Of Facts

13.) On or about **February 2017** I had Unit Team with Case Manager **Mr. Mroczka**. During this meeting I requested 12 month halfway house knowing how long I've been incarcerated. **Mr. Mroczka** explain he'll talk to Unit Manager **Mr.R. Scandle** on this issue.

14.) On or about **March 2017** I had conversation with Unit Manager Mr.R. Scandle about requesting 12 month halfway house. Mr. R. Scandle stated he'll recommend 12 month to the Warden.

15.) On or about **August 22,2017** I wrote to Grand Prairie Designation and Sentence Computation Center in reference to the time I was serving that was impose by the Courts and the percentage that should be completed according to Program Statement:5100.08 .

16.) On or about **September 2017** I was told by Case Manager Mr. S. Mroczka that my halfway house package was complete with request of 12 months to be sign by the Warden R. Perdue.

17.) On or about **October 2017** I had Unit Team with Case Manager Mr.S. Mroczka and during this meeting I requested a copy of "Computation Data Sheet and Good Time Date Sheet", and subsequently discovered that it contained incorrect and erroneous dates in particular Home Detention Eligibility Date reflected as **October 25,2018** is incorrect and the Statutory Release Projected Date as **April 25,2019**.

18.) On or about **November 30,2017** I received a letter from the Probation Department stating my home plan was approve.

19.) On or about **January 18,2018** I was told by the Unit Manager Mr.R. Scandle I was approve for ninety days halfway house two (2) months after the Home Eligibility Date which is **October 25,2018**.

20.) On or about **January 18,2018** me and Unit Manager Mr. R. Scandle began to wrangle about the halfway house date and the incorrect and erroneous dates on "Computation Data Sheet." I was told by Unit Manager Mr.R. Scandle to contact Ms. Cozza (Record's Office),and Mr.Chad A. Fultz (Residential Reentry Manager) concerning this issue.

21.) On or about **January 24,2018** I wrote a sensitive BP-9 and a sensitive BP-10 grievance on this matter which was denied on **January 30,2018**.

22.) On or about **January 28,2018** I Via Trulincs to Ms. Cozza (Record's Office) about incorrect dates, but to no avail no response.

23.) On or about **January 29,2018** I wrote to Mr. Chad A. Fultz (Residential Reentry Manager) on this issue to no avail no response.

24.) On or about **January 29, 2018** I Via Trulincs to Ms. Cozza (Record's Office) about my incorrect dates but to no avail no response.

25.) On or about **January 30, 2018** I Via Trulincs to the Warden R. Perdue he address the halfway house dates that was approve for **December 29, 2018**, but did not address the incorrect dates.

26.) On or about **February 7, 2018** I filed a grievance BP-8 on this issue.

27.) On or about **February 9, 2018** I spoke with Assistant Warden Mr.K. Gabrielson about this issue of my Home Detention Eligibility Date and Statutory Release Projected Date is incorrect. I explain what **Program Statement 5100.08** stated and mathematical formula used to get the correct sentence or date. He (Mr.K.Garbrielson) said submit a request but to no avail no response.

28.) On or about **February 15, 2018** I received a Memorandum for Unit Manager Mr.R. Scandle from Assistant Warden R. Miller with a letter I wrote to Mr. Chad A. Fultz (Residential Reentry Manager) dated **January 29, 2018**. Instructing them to handle this matter at the institution level, but to no avail nothing was done. Mr./R. Scandle did not allow me to review the contents of Mr. Chad A. Fultz response to my letter dated **January 29, 2018**.

29.) On or about **February 21, 2018** I wrote another letter to Mr. Chad A. Fultz but to no avail no response.

30.) On or about **February 23, 2018** I received a response from my Grievance BP-8 (SCH-1330-18 B). Unit Manager Mr.R. Scandle response was inadequate because it does not address the merits of my complaint. (i.e. incorrect or erroneous dates contained in base file)

31.) On or about **February 27, 2018** I file appeal BP-9 to Warden R. Perdue explaining my Sentence Computation Data Sheet had incorrect and/or erroneous dates particular Home Detention Eligibility Date relected as **October 25, 2018** is incorrect, and the Statutory Release Projected Date **April 25, 2019** is also erroneous.

32.) On or about **March 16, 2018** I received a response to BP-9 Remedy #932738-F1 dated 2-27-2018. According to Warden R. Perdue assertion I have served **20 years, 3 months, 1 day** which is approximately **83.2%** of your sentence. Warden R. Perdue claims to have received confirmation from Staff at Grand Prairie that the Sentence Computation is calculated correctly.

Nevertheless, Mr. R. Perdue response indicates no mention of Program Statement 5100.08 and 5880.28.

33.) On or about **March 21, 2018** I filed an appeal BP-10 to the Northeast Regional Office. Response due on **April 25, 2018**.

34.) On or about **April 29, 2018** I sent Via Trulincs to Assistant Warden Mr. R. Miller, and Unit Manager Mr. R. Scandle requesting under **Program Statement: 542.11, 18** to contact Northeast Regional Office about the appeal **#932738-F1**. I sent because the deadline date has expired.

35.) On or about **May 2018** I received a response from Northeast Regional Director Mr. M.D. Carvajal denying my appeal. The response did not make any mention of **Program Statement: 5100.08**, and deliberately omits any mention of Mr. Wright completing approximately **83.8%** (percent) of his total sentence served which is **292 months**.

36.) On or about **May 8, 2018** I filed an appeal BP-11 (**#932738-F1**) to Central Office Administration. Response due **July 13, 2018**.

37.) On or about **April 2018** to **June 20, 2018** Case Manager Ms. R. Eubank has continuously, and maliciously circumvented, fabricated and manipulated the process by acting in concert with other Staff by denying me adequate relief I'm seeking. Also, giving me inadequate Team with erroneous or incorrect data.

DELIBERATE INDIFFERENCE RESULTING IN
EXCESSIVE CONFINEMENT

38.) Plaintiff, has established that defendant's all had sufficient knowledge of the erroneous dates contained in his sentencing Computation Data sheet, and thus of the risk that unwarranted punishment was being, or would be, inflicted.

39.) Plaintiff, has established that the interested defendants either failed to act or took only ineffectual action under the circumstances indicating that defendants response to the problem was a product of deliberate indifference to Plaintiff's plight.

40.) Plaintiff, has established a causal connection between the Officials response to the problem , and the infliction of unjustified detention.

41.) Plaintiff, has suffered cruel, and unusual punishment by being confined in excess of fourteen days beyond his correctly prescribed Release Date, Home Eligibility Date of **October 25,2017**, and Statutory Projected Release Date **June 9,2018**.

42.) Plaintiff, alleges that defendant's assertion of Plaintiff's Release Date,Home Eligibility Date **October 25,2018**, and Statutory Projected Release Date **April 25,2019** is erroneous resulting in excessive confinement.

43.) Plaintiff, gave defendant's sufficient advance notice of the potential miscalculation approximately **October 2017**, in particular defendant's Mr.S. Mroczka,and Mr.R. Scandle.

44.) Plaintiff, did attempt to give defendants the opportunity to correct the mathematical calculation, and all of the above named defendant's stood by the proposition that Grand Prairie's miscalculation was correct.

45.) Plaintiff, has established Deliberate Indifference by defendant's response, because of the ease which the miscalculation could have been detected,and corrected.

46.) Plaintiff, alleges that defendant's failure to reasonably Investigate the claims of miscalculation of potential Release Dates has a direct adverse effect on being Released on time resulting in an injury.

47.) Plaintiff, alleges that defendant's Deliberate Indifference to his adequate, and proper Release Calculation has resulted in legal, and direct injury.

CLAIMS FOR RELIEF

48.) Defendant, Mr.R.Perdue is liable under **5th,8th,and 14th Amendment Of U.S. Constitution** for Deliberate Indifference resulting in Excessive Confinement/Cruel and Unusual Punishment.

49.) Defendant, Mr.R. Miller is liable under **5th,8th,and 14th, Amendment Of U.S. Constitution** for Deliberate Indifference resulting in Excessive Confinement/Cruel and Unusual Punishment.

50.) Defendant, Mr.K. Gabrielson is liable under **5th,8th,and 14th, Amendment Of U.S. Constitution** for Deliberate Indifference resulting in Excessive Confinement/Cruel and Unusual Punishment.

51.) Defendant, Mr.R. Scandle is liable under **5th,8th,and 14th, Amendment Of U.S. Constitution** for Deliberate Indifference resulting in Excessive Confinement/Cruel and Unusual Punishment.

52.) Defendant, Mr.S. Mroczka is liable under **5th,8th,and 14th, Amendment Of U.S. Constitution** for Deliberate Indifference resulting in Excessive Confinement/Cruel and Unusual Punishment.

53.) Defendant, Ms. Cozza is liable under **5th,8th,and 14th, Amendment Of U.S. Constitution** for Deliberate Indifference resulting in Excessive Confinement/Cruel and Unusual Punishment.

54.) Defendant, Unknown Grand Prairie Sentence Computation Staff is liable under **5th,8th,and 14th Amendment Of U.S. Constitution** for Deliberate Indifference resulting in Excessive Confinement/Cruel and Unusual Punishment.

55.) Defendant, Mr. M.D. Carvajal is liable under **5th,8th,and 14th Amendment Of U.S. Constitution** for Deliberate Indifference resulting in Excessive Confinement/Cruel and Unusual Punishment.

56.) Defendant, Ms.R. Eubank is liable under **5th,8th, and 14th, Amendment Of U.S. Constitution** for Deliberate Indifference resulting in Excessive Confinement/Cruel and Unusual Punishment.

57.) Defendant, Mr. Chad A. Fultz is liable under **5th,8th, and 14th, Amendment Of U.S. Constitution** for Deliberate Indifference resulting in Excessive Confinement/Cruel and Unusual Punishment.

RELIEF REQUESTED

Wherefore, Plaintiff request that the court grant the following relief :

1.) Issue a Declaratory Judgment stating that:
Defendant's Mr. R. Perdue, Mr. R. Miller, Mr.K. Grabrielson, Mr. R. Scandle, Mr. S. Mroczka, Ms. Cozza, Unknown Grand Prairie Designation Computation Staff Mr. M.D. Carvajal, Ms.R. Eubank, and Mr. Chad A. Fultz violated plaintiff's rights under the 5th, 8th, and 14th Amendment Of U.S. Constitution, and Constituted Delibrate Indifference resulting in Excessive Confinement/Cruel , and Unusual Punishment.

2.) Issue an Injunction Order, ordering defendant's to cease, and desist from violating Plaintiff's Rights to be Free from Excessive Confinement.

3.) Award Punative Damages against all defendants jointly and severally in Individual Capacity in Excess of the minimum amount required to trigger Federal Jurisdiction.

4.) Award Nominal Damages against all defendants jointly and severally in Individual Capacity in Excess of the minimum amount requested to trigger Federal Jurisdiction .

5.) Award all Plaintiff's filing fee's, and cost to be paid by defendant's.

6.) Grant such other relief as may appear that Plaintiff is entitled.

THIS CIVIL RIGHTS COMPAINT IS SWORN
UNDER PENALTY OF PERJURY, 28
U.S.C. 1746

August 9, 2018
Date:

Mr. Mark Wright
Mr. Mark Wright #46950-066
F.C.I Schuylkill
P.O. Box 759
Minersville, Pa. 17954

CERTIFICATE OF SERVICE

The undersigned hereby certify that a True, and Correct Copy of the foregoing has been Via on the parties below by First Class Priority mail :

F.C.I. Schuylkill Institution
P.O. Box 700
Minersville, PA. 17954

I do solemnly swear under penalty of perjury that the above statements are true to the best of knowledge, and ability 28 U.S.C 1746.,

August 9, 2018
Date:

Respectfully Submitted,
Mr. Mark Wright
Mr. Mark Wright #46950-066
F.C.I. Schuylkill
P.O. Box 759
Minersville, PA. 17954

Mr. Mark Wright #46950-066
F.C.I. Schuylkill
P.O. Box 759
Minersville, Pa. 17954-0759

The Clerk Of Court
235 N. Washington Ave.
Scranton, Pa. 18503

August 9, 2018

Dear Clerk Of Court,

Its a great deal for me to write this letter in reference to my Civil Complaint.

Is it possible for you to send me a copy of my Complaint that has Civil Number, stamp and dated it was filed ?

Thank you !

Respectfully Submitted,

Mr. Mark Wright

Mr. Mark Wright

1st Mark Wright 46950-066
Federal Correctional Institution Schuylkill
P.O. Box 759
Minersville, Pa. 17954-0759

RECEIVED
SCRANTON

AUG 10 2018

PER [Signature] DEPUTY CLERK

⇄46950-066⇄
The Clerk Of Courts
235 N Washington AVE
Rm. 101
Scranton, PA 18503
United States

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE
CERTIFIED MAIL



"Legal Mail"

"Legal Mail"

